

### **REMARKS**

This Amendment is filed in response to the Office Action dated October 1, 2007. The Office Action rejected Claims 1-2, 4-19, 22, and 38-40 under 35 U.S.C. § 103(a) as being unpatentable over Tso et al. 6,421,733 (hereinafter "Tso") in view of Kent U.S. 2002/0040374 (hereinafter "Kent"). Applicant respectfully submits that the amended claims are patentable over the cited references. As such, Applicant respectfully requests issuance of a Notice of Allowance in light of the amendments and the remarks below.

#### **I. Independent Claims 1 and 17 are patentable over the cited references.**

Independent Claim 1 is directed to a system which takes content and applies rules to the content to prepare it in a first way for communication and publication over an internet channel and to prepare it in a second way for communication and publication over a non-internet channel, such that the content remains the same. Independent Claim 17 is a method for the system in Claim 1 that prepares the content in a first way and a second way for communication and publication over an internet channel and non-internet channel. Independent Claim 1 and independent method Claim 17 have been amended to further recite that the original content is stored in a first format and that when the rules are applied to the content the first format of the content is changed into at least one second format and prepared in a first and second way for communication and publication over an internet and non-internet channel. The content remains the same or substantially the same, but its format is altered.

Tso in view of Kent does not render amended Claim 1 or Claim 17 obvious. In particular, the Office Action acknowledges that Tso does not teach that content is prepared in the first way and the second way such that the content remains the same or substantially the same as its original form. Instead, the Office Action relies on Kent for this aspect of the claims. At page 9, the Office Action argues that in:

*Figure 1, Kent discloses an Internet channel (i.e. item 14), and Internet terminals items 10 and 15, a non-Internet channels, items 17 and 30, and a non-Internet terminal, item 34. The content is prepared in a first way (i.e. from PC 10 through the Internet 14) and the second way (i.e. through non-Internet channels 17 and 30) such that the content remains the same or substantially the same as its original form.*

Applicants respectfully disagree with this argument. Applicants believe that this is a mischaracterization of the teachings of Kent.

Specifically, Kent discloses a method where the content does not remain the same, but is instead customized for each user prior to transmission. Kent discloses a method for personalizing and customizing a publication. As described on pages 1 and 2 in paragraphs 0008 – 0010, content is selected based on preferences provided by a subscriber. The subscriber may select content manually, or the content may be provided automatically through programs based on information input by the subscriber. The subscriber may be connected to a publisher's server via the Internet. Rules are applied to the original content to select what the subscriber wants in the new output content. The rules modify the original content and then the custom new content may be output to a printer or an electronic device.

Amended independent Claims 1 and 17 are patentable over Kent. The Office Action's argument is based on the belief that in Kent the content of a customized publication is being created on the PC 10 by the user and then transferred over the internet to the digital printer in substantially the same form. This is not what Kent discloses. As indicated on page 1 paragraph 0008, the content in Kent is the original magazines and advertisement that are stored in the publisher's server. The PC 10 does not send the magazine articles through the internet. A user of PC 10 simply indicates what individual customized material the user wants to create and the rules are applied to create that new content and add in related advertisements to that particular material. The content arguably might be prepared in a first way (sent through the Internet) and in a second way (sent through non-Internet channels); however, the final published content is not the same or substantially the same as the original content, as is recited in amended independent Claims 1 and 17. The content that is distributed at the end is new individually customized content made up of bits and pieces of the original content, such as different articles from different magazines and customized advertisements that are stored on different publisher's servers, as described on page 2, paragraph 0013 of Kent.

In direct contrast to Tso in view of Kent, the claimed invention is directed to applying rules to the original content. The rules change the underlying format of the original content for

communication over different distribution channels and for publication by respective terminals. The end product of the content is substantially the same as the original content object; however, the format of the original content has been modified in order to display it on various channels. Kent in no way teaches or suggests this aspect of the claimed invention. Kent does not teach or suggest reformatting content for communication of the same or substantially the same content. Indeed, Kent repeatedly indicates throughout the specification that the new content created is customized for each particular user, not that the original content is reformatted.

Independent Claims 1 and 17 are not obvious in light of Tso and Kent taken either individually or in combination. Neither reference teaches or suggests that "content is prepared in the first way and the second way such that the original content remains the same or substantially the same, but is formatted into at least a second format for publication over different said terminals." As such, independent Claims 1 and 17, as well as the claims that dependent respectively therefrom, are patentable.

## **II. Independent Claim 38 is patentable over the cited references.**

Independent Claim 38 is directed to a system for content publication. Rule objects are applied to the content object to modify the content. The rule objects have a content publisher that selects distribution channel rules which modify the content for publication over one of many specific distribution channels. The content publisher also selects terminal rules which modify the content for publication over one of many specific terminals. The distribution channel and terminal rules both have a first and second rule for publication over an internet and non-internet channel. Multiple rules objects act on the content so that the content can be published on multiple distribution channels in parallel. Container objects act on the content modified by the rules to set up the content for the environment on which it will be published. Independent Claim 38 has been amended to further recite that the original content is stored in a first format and that when the rules are applied to the original content the first format of the content is changed into at least one second format which is then published as the same content but in a different format on multiple distribution channels in parallel.

Tso in view of Kent does not render amended Claim 38 obvious. On page 10, the Office Action argues that Tso, in Figure 3, discloses a browser connected to the transcoding server through a link 14 (i.e. "non-Internet channel"), and through link 16 to the Internet. Furthermore, the Office Action states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kent to provide distribution channels arranged in parallel to one another.

Applicants respectfully disagree with this rejection. Independent Claim 38 patentable over Tso in view of Kent. While it is arguable that Tso, via Figure 3, discloses transferring data through an Internet channel and non-Internet channel, clearly neither reference discloses distribution channel and terminal rules that publish the reformatted original content to an Internet-based terminal and also a non-Internet-based terminal. As indicated in Col. 2 line 44 through Col. 3 line 7, Tso discloses transferring data from the internet to a network sever and then publishing the data on the screens of network clients, which are, in this case, strictly non-Internet terminals. As indicated in paragraphs 0034 through 0036, Kent discloses taking the original content of magazines, applying rules to pull out specific data from several magazines, and adding one-to-one targeted advertising to each customized magazine. Then this new content is publishing through one channel, such as a printer, which is a non-Internet terminal. Furthermore, as seen in Figure 1 and paragraphs 0008 through 0010, Kent discloses a serial arrangement, wherein the user accesses the publisher's content via the telephone and Internet. The user then creates a publication (manually or automatically based on pre-set preferences) that is outputted to a digital printer via the communication means. Again, Kent teaches a method for creating and distributing individually customized new content in series.

It would not be obvious to one of ordinary skill in the art at the time of the invention was made to modify Kent to provide distribution channels and terminals arranged in parallel to one another. Kent actually teaches away from providing distribution channels arranged in parallel to one another because Kent discloses creating customized data such as magazines with customized advertisements that are sent to a printer to be printed and distributed to a single customer. There would be no reason to publish the magazine over different channels because these customized magazines are tailored to a single specific customer. There is no need to make the customized

magazine available to other customers over other distribution channels because the customized magazine is not tailored to the preferences of these other customers.

In direct contrast, the claimed invention of Claim 38 is directed to publishing original content over a number of different terminals. The original content in the current invention only changes in form, the actual content of what is communicated and published is not altered, changed, added to or subtracted from. Therefore, Tso and Kent, taken either individually or in combination, fail to teach or suggest each and every element of Claim 38. Applicants, thus, submit that independent Claim 38, as well as the claims that depend therefrom, is patentable over the cited references.

### **CONCLUSION**

In view of the amended claims, and the remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 13-4365 (Docket No. 952663/325792).

Respectfully submitted,



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